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SUBJECT: GABON: EXPLOITATIVE CHILD LABOR REPORT FOR THE TRADE AND DEVELOPMENT ACT (2010)

REF: 09 STATE 131997

¶1. Per reftel, post provides this response to questions regarding exploitative child labor in the production of products. Post's response to annual child labor reporting requirements follows in septel. Forced, child, and exploitive labor in the production of exports goods is not a significant problem in Gabon and resources to combat exploitative child labor reflect that fact. International and non-governmental organizations, including UNICEF and the International Red Cross as well as government contacts in the Ministry of Labor indicate that Gabon respects international labor standards, especially in regards to child labor.

¶2. The following paragraphs answers the numbered questions in reftel.

2a 1. The incidences of exploitative child labor in Gabon remain low. When it does occur, the problems exist in the informal sector and include artisanal workshops, street trade/hawking, mechanics workshops, and in subsistence fishing.

2a 2. The Government of Gabon did not publish new child labor data for the reporting period. In 2001 when Gabon worked with the International Labor Office (ILO) to provide statistics and create reports that reflect the labor situation in Gabon, including issues of child labor.

2b 1. There are no new laws or regulations in the last year pertaining to child labor.

2b 2. Gabon's legal framework for supporting ILO Convention 138 and relevant experts form ILO Recommendation 190 is adequate. The Government has been proactive in revising its legal framework to stay within international norms. The regulatory bodies need improvement to support the Conventions noted above. Improved funding is the major obstacle to better regulation.

The Gabonese constitution and labor codes protect against child exploitation. Criminals can be charged with violating child labor and truancy laws. Chapter 4, Article 177 of the Gabonese labor code (law 3/94) states that children cannot be employed under the age of 16, without special decree from the government. Law 9/66 of the Gabonese constitution states that all children in Gabon must attend school from ages six to 16.

Gabon's law against child trafficking imposes criminal penalties for those in violation and specifically prescribes penalties for trafficking for labor exploitation. The law treats traffickers and those who knowingly employ trafficking victims the same. The trafficking law (09/04) does not protect victims over the age of 18. However, Article 4, Title 1 of Law number 3/94 criminalizes all forms of forced labor. The law prescribes penalties of one to six months imprisonment with a possible fine of \$700 to \$1400. All child labor violators (like child traffickers) can face charges of conspiracy under the immigration act, which carries a sentence of

jail from six months to two years.

2c 1. The Interministerial Committee for the Fight Against Child Exploitation is the primary agency/body charged with combating exploitative child labor in Gabon. The Committee consists of the Ministry of Justice, the Ministry of Human Rights, the Ministry of Health and Social Affairs, and the Ministry of Labor.

2c 2. The Interministerial Committee was specifically created to facilitate communication between ministries involved in the fight against child exploitation.

2c 3. The Government maintains a publically advertised phone number for the public to report incidences, complaints, or request an investigation of possible abuses against children, including exploitative labor. The Ministry of Labor is the primary contact that maintains the phone number and adjudicates cases. Additionally, the Ministry of Social Affairs operates a "surveillance cell" through a number of offices throughout the country that receive complaints.

2c 4. The Government allocated approximately \$36,000 in 2009 to the Interministerial Committee to help fund investigations and coordinate action in the fight against child exploitation. The Government plans to spend approximately \$20,000 for 2010. Even at 2009 funding levels, the funding was insufficient to allow investigators to travel throughout the country and investigate all of the reported cases. Most of Gabon is densely forested, road structure inadequate, and air travel does not reach the entire country.

2c 5. Overall, the Government employs approximately 2,000 people through the Interministerial Committee to fight against child exploitation. The number of employees/investigators is sufficient, but they require additional resources.

2c 6. The Government does not keep records on the number of investigations that were made into child labor. International and non-governmental organizations, such as UNICEF, did carry out their own investigations, but similarly do not have useable statistics.

2c 7. Contacts in the Ministry of Labor estimate that approximately 500 children were removed from exploitative environments during the last four years; however, this is not an official statistic. The Ministry of Justice reports that they made arrests of individuals involved in exploitative child labor, but no verifiable statistics or information on follow up) are available.

2c 8. The Ministry of Justice estimates that it prosecuted ten individuals in 2009.

2c 9. There is no data nor are there statistics on the number of child labor cases closed.

2c 10. There is no data nor are there statistics on the number of child labor convictions.

2c 11. It can take up to two years for a child labor case to be identified and successfully concluded with a conviction.

2c 12. In cases that were identified and prosecuted, penalties were applied appropriately and in concordance with the law. No clemency appeals are heard in regard to these cases.

2c 13. While facing moderate challenge, the efforts by the Gabonese Government reflect a commitment to combat exploitative child labor. While Gabon faces other, more pressing, social challenges, its commitment to combat child labor is reflected by its willingness to fund and staff the Interministerial Committee as well as prosecute those offenders it finds.

2c 14. Seminars sponsored by various ministries on the Interministerial Committee are conducted multiple times per year. Topics for these seminars include communication with children, identification of cases, and appropriate enacting of the law.

2d 1. Gabon does not have any dedicated investigators tasked with

solely combating child trafficking/illicit activities. However, the "Morality Brigade" (vice squad) of the police and gendarmes are routinely tasked with investigating human rights crimes, including child labor abuses. Additionally, members of the Interministerial Committee will also perform investigations in conjunction with the "Morality Brigade."

2d 2. Funding for agencies and groups who investigate exploitative child labor cases is not completely adequate. Funding for the Interministerial Committee is addressed in answer 2c 4. Funding reports are not available for the "Morality Brigade."

2d 3. The Government does maintain a hotline. Statistics for the total number of legitimate cases are unavailable.

2d 4. Statistics for the total number of legitimate cases in regard to child trafficking/illicit activities opened in the reporting period are unavailable. However, a 2001 study by the ILO says that in that year there were an estimated 20,000 children between the ages of 10 and 14 are economically active. Of that estimated 20,000, UNICEF reports an informal number of 300 children in Libreville are in worst cases of child labor situations, with another 300 found in the rest of the country.

2d 5. Statistics for the total number of children rescued regarding child trafficking/illicit activities are unavailable.

2d 6. Statistics for the total number of arrests regarding child trafficking/illicit activities are unavailable.

2d 7. Statistics for the total number of cases closed regarding child trafficking/illicit activities are unavailable.

2d 8. Statistics for the total number of convictions regarding child trafficking/illicit activities are unavailable.

2d 9. When convicted, the punishments and sentences imposed against child labor abusers/child trafficking/illicit activities met the standards of the Gabonese legal framework.

2d 10. When convicted, the punishments and sentences imposed against child labor abusers/child trafficking/illicit activities were regularly enforced.

2d 11. It normally takes less than two years for a child trafficking/illicit use of a child case to be identified and successfully concluded with a conviction.

2d 12. The government, in cooperation with the U.S. Embassy and the Department of Justice, offered trafficking in persons workshops in 2009 for 30 "first responders" and police/gendarmes with responsibility to investigate child trafficking/illicit activities. More workshops to create a cadre of anti-trafficking specialists and trainers are planned for 2010. Police, gendarmes, and ministerial cooperation with these workshops were enthusiastic.

UNICEF routinely offers sensitization and procedural training for first responders that deal with children, including classes offered in the reporting period.

2d 13. Child soldiers do not exist in Gabon, a country that escaped civil war and insurgency.

2e 1. The Government did have a policy and plan that addresses exploitative child labor. The plan is formulated and executed through the Interministerial Committee, in partnership with regional partners such as Economic Community of Central African States (CEEAC) and Economic Community of West African States (ECOWAS), and focuses on the identification of child labor abusers and their successful prosecution.

2e 2. Gabon did not include the issue of child labor in any other social programs in 2009.

2e 3. Government policies on child labor are executed by the Interministerial Committee. The Committee's budget is discussed in 2c number 4.

2e 4. The government provides employees and specialists as well as workplaces for the Interministerial Committee. Non-monetary support is limited.

2e 5. The government claims that due to its efforts to combat abusive child labor over the past five years that incidents of exploitative street hawking/vending are now extremely rare. This is due to increased policing, primarily in urban centers of Gabon. Gabon's efforts to combat trafficking in persons and a willingness to prosecute offenders has also helped reduce the number of child labor incidents. Independent NGOs confirm that incidents of children being used for street vending have decreased.

2e 6. The Government did not participate in any task forces during the reporting period.

2e 7. In 2003, Gabon signed and ratified the ILO C182 Worst Forms of Child Labor Convention on March 28, 2001. Gabon plans to finalize their ratification of the Palermo Convention in 2010.

2f 1. The Government did not implement any new programs specifically to address the worst forms of child labor because it has not been a priority due the likely small number of worst-form cases (less than 1,000 throughout Gabon).

2f 2. The Government did not incorporate child labor as an issue to be addressed in poverty reduction, development or educational social programs. During the political uncertainty of 2009 following the death of former President Omar Bongo, the government did not make substantive efforts at any forms of poverty reduction, including child labor issues. In terms of education, the Government's efforts focused on ending a months-long teacher's strike and did not involve efforts at educational reform. Gabon expects to address education reform and anti-poverty efforts in 2010 under the new administration.

2f 3. The Government did not fund any programs specifically to address exploitative child labor during the reporting period.

2f 4. The Government did not provide non-monetary support for any programs specifically to address exploitative child labor during the reporting period.

2f 5. There is no additional information on the type of programs referenced.

2f 6. Gabon has signed ILO Convention 182 (ratified in 2001), Convention 29 (ratified in 1960) and Convention 105 (ratified in 1961). It has also signed the CEEAC Resolution on the Fight Against trafficking in Persons (ratified in 2006). Gabon expects to ratify the Palermo Agreement in 2010.

2g 1. Gabon does not have a significant child labor problem. The Government of Gabon continues to make progress to combat

exploitative child labor despite a number of resource challenges. Additionally, an unprecedented period of political uncertainty characterized most of 2009 with the illness and eventual death of former President Omar Bongo. This period made it difficult for the government to focus on any issues outside of ensuring a smooth transition of power. Despite financial limitations and political focus elsewhere, efforts by the police and gendarmerie to combat trafficking in persons improved in 2009 with the interdiction of a number of boats and the successful repatriation of trafficking victims (both children and adults), which as a consequence, helped combat child labor. While child labor is not a significant problem in Gabon, there are resource shortfalls, especially in rural areas, that need to be addressed in order to eliminate the problem.

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